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United States Senate

WASHINGTON, DC 20510-3603

March 13, 2013

0298

The Honorable Julius Genachowski
Chairman
Federal Communications Commissions
445 12th Street SW, Room: 8-B201
Washington, DC 20554

Dear Chairman Genachowski:

As a follow up to my attached letter dated July 12, 2012, I am contacting you on behalf of LeSEA Broadcasting concerning the broadcast of announcements by Non-Commercial Educational (NCE) Public Interest Obligation (PIO) channels.

Given the current economic challenges facing all NCE PIO stations, many are looking for new ways of operating. PBS stations have led the way in airing messages that raise the bar as it relates to enhanced underwriting announcements. In this regard, it is imperative that these standards are applied uniformly for all NCE PIO channels.

I understand LeSEA recently met with FCC Media Bureau Chief William Lake and his colleagues to encourage the Commission to work with them as they are seeking to be fully compliant in this evolving regulatory area with many ambiguities. It is my hope that the FCC will work with LeSEA and all broadcasters to consider their intent when reviewing and interpreting the noncommercialization guidelines and will provide parity in treatment to all such stations.

Thank you for your attention to this matter. Please contact Nathan Reese in my office at (202) 224-4721 if you need any additional information. I look forward to your response.

Sincerely,



James M. Inhofe
United States Senator



FEDERAL COMMUNICATIONS COMMISSION

May 14, 2013

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable James M. Inhofe
United States Senate
453 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter concerning LeSEA Broadcasting. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Media Bureau's Office of Communications and Industry Information.

If you have any additional questions or need further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the typed name. The signature is stylized with a large, sweeping initial "J".

Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

May 14, 2013

IN REPLY REFER TO:
CN-1300298

The Honorable James M. Inhofe
United States Senate
453 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your recent letter concerning LeSEA Broadcasting's meeting with Media Bureau staff to discuss the rules and policies governing "enhanced underwriting" announcements by noncommercial educational (NCE) broadcast stations. I appreciate the opportunity to respond.

The Communications Act and Commission rules generally prohibit NCE broadcast stations from airing commercial advertisements, but NCE stations are permitted to engage in "enhanced underwriting" that allows NCE stations to acknowledge and identify contributors on air. Such acknowledgements may include slogans and value-neutral descriptions of the contributors' products and services, but may not promote or make qualitative or comparative statements regarding contributors.

The Commission's rules and policies governing commercial advertisements and "enhanced underwriting" are applied uniformly to all NCE broadcasters without regard to whether a particular NCE station is or is not a PBS affiliate. The Commission also has indicated that NCE broadcasters are expected to exercise good faith judgment when determining whether a particular acknowledgement complies with the Commission's "enhanced underwriting" rules. To assist NCE broadcasters with this assessment, the Commission has issued a number of policy statements that offer guidance concerning permissible underwriting announcements.

The Commission's rules governing "enhanced underwriting" are enforced on a case-by-case basis in response to a complaint that is submitted to the Commission by a viewer or listener of a particular NCE station or by another broadcast licensee. The complaints generally are evaluated by the Commission's Enforcement Bureau and, if a violation has occurred, the Bureau will take appropriate action. Decisions related to enhanced underwriting are available to the public on the Enforcement Bureau's website (<http://transition.fcc.gov/eb/Orders/Welcome.html>), and may provide additional guidance to NCE licensees.

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As Media Bureau staff explained at the meeting with LeSEA representatives, Commission staff cannot preview or provide advance approval of specific underwriting acknowledgments that a station intends to use. Doing so would raise serious First Amendment issues and also would place burdensome demands on limited staff resources. Bureau staff, however, remains available to discuss and clarify the obligations of NCE broadcasters, such as LeSEA, with respect to underwriting acknowledgements.

I trust this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Perko", with a stylized flourish at the end.

Michael S. Perko
Chief, Office of Communications and Industry Information
Media Bureau